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conflicting claims are not identical.

Applicants have cancelled claims 1-5, 12, 14, 39 and 41. Claim 6 now recites features of dependent claims 12 and 14 and claim 21 now recites features of dependent claims 39 and 41. Applicants have also amended claims 13 and 15, and 40, 42 and 43, to properly depend from independent claims 6 and 21, respectively.

Obviousness-type double patenting exists when the invention defined in a claim in the application is an obvious variation of the invention defined in a claim in the patent. M.P.E.P. § 804. When considering whether the invention defined in a claim of an application is an obvious variation of the invention defined in the claim of a patent, the disclosure of the patent may not be used as prior art. M.P.E.P. § 804.

Claims 6 and 21 of the pending application include the feature: "said flange including rigidifying material having an annular ring." In the '877 patent, claim 6 recites the feature: "a flange extending outward from said wall and being engageable with said valve seat." In the '877 patent, claim 21 recites the feature: "a peripheral flange extending outward from said wall and having an upper surface." The claims of the '877 patent do

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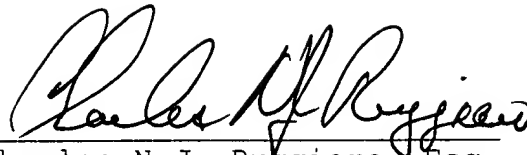
not disclose or suggest a flange including rigidifying material having an annular ring. This being the case, dependent claims 7-11, 13, 15-20, 22-38, 40, 42, and 43, are also not disclosed or suggested by the claims of the '877 patent and therefore are not subject to an obviousness-type double patenting rejection.

It is respectfully submitted that the amendments to claims 6, 13, 15, 21, 40, 42 and 43 are neither narrowing nor made for substantial reasons related to patentability as defined by the Court of Appeals for the Federal Circuit (CAFC) in Festo Corporation v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd., 95-1066 (Fed. Cir. 2000). Therefore, the amendments to claims 6, 13, 15, 21, 40, 42 and 43 do not create prosecution history estoppel. As such, the doctrine of equivalents is available for all of the elements of the claims.

In view of the foregoing, Applicants respectfully submit that all claims present in this application patentably distinguish over the cited art. Accordingly, Applicants respectfully request favorable reconsideration and withdrawal of the rejections of the claims. Also, Applicants respectfully request that this application be passed to allowance.

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